

**A SUBSTITUTE ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

07-O-0588

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO EXECUTE RENEWAL AGREEMENT NO. 1 WITH BANKS, FINLEY, WHITE & COMPANY, FOR FC-6005007976, ANNUAL CONTRACT FOR THE CITY OF ATLANTA AUDIT OF FINANCIAL STATEMENTS, ON BEHALF OF THE DEPARTMENT OF FINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with Banks, Finley, White & Company, for FC-6005007976, Annual Contract for the City of Atlanta Audit of Financial Statements, pursuant to Resolution 05-R-2133, effective January 23, 2006; and

WHEREAS, the original term of the agreement was for one (1) year with three (3) one (1) year renewal options at the City's sole discretion; and

WHEREAS, pursuant to the contract Banks, Finley, White & Company would provide audits for the fiscal year ended December 31, 2005, January to June 2006, the fiscal year ended June 30, 2007, and the fiscal year ended June 30, 2008, and would be paid according to the cost proposal contained in "Exhibit D" of the contract; and

WHEREAS, Resolution 06-R-2045 adopted by the Atlanta City Council on September 18, 2006 and approved by the Mayor on September 26, 2006, authorized the Chief Financial Officer to remit payment for the audit of each fiscal year under the terms of the contract, and also authorized the Department of Finance to appropriate funds as outlined in "Exhibit D" of the contract; and

WHEREAS, the services provided under the Agreement are of such a nature as to be integral in order to comply with state law which requires the City to have an external audit each year; and

WHEREAS, the Chief Financial Officer of the Department of Finance recommends the execution of Renewal Agreement No. 1 with Banks, Finley, White & Company for FC-6005007976.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That the Mayor is authorized to execute Renewal Agreement No. 1 ("Agreement") with Banks, Finley, White & Company for FC-6005007976, Annual Contract for the City of Atlanta Audit of Financial Statements.

SECTION 2: That the term of the Agreement will be for one (1) year with an effective date of January 24, 2007.

SECTION 3: That the Chief Procurement Officer is directed to prepare an appropriate Agreement for execution by the Mayor.

SECTION 4: That the Agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Banks, Finley, White & Company.

SECTION 5: That Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that such applies to the authorization of Renewal Agreement No. 1.

SECTION 6: That all ordinances and parts of ordinances in conflict with this ordinance are waived for this instance only.

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RCS# 1096
4/16/07
2:34 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

Y Smith	Y Archibong	E Moore	Y Mitchell
Y Hall	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Simone D. Brathwaite



Contact Number: x 6310

Originating Department: Department of Finance

Committee(s) of Purview: Finance/ Executive Committee

Council Deadline: March 12, 2007

Committee Meeting Date(s): March 27-28, 2007 Full Council Date: April 16, 2007.

Commissioner Signature



CAPTION

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FINANCIAL IMPACT: \$855,000.00

Mayor's Staff Only

Received by Mayor's Office:

 3/14/07
(date)

Reviewed by:


(date)

Submitted to Council:

3/15/07
(date)